

REMARKS

§102(e) Rejections Under Kalra

In the November 9, 2001 Final Office Action, the Examiner maintained his rejections against claims 1-10, 12-21, and 23-34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,953,506 issued to Kalra et al. (hereinafter "Kalra"). The Examiner found Applicants' arguments presented in the last response "unpersuasive". The Examiner asserted that under Kalra "client request for a **particular** adaptive stream along with the series of command supplied from the adaptive stream client-based program ..." (emphasis added).

In response, Applicants filed an After Final response on February 11, 2002, urging the Examiner to reconsider Applicants' arguments, setting forth the reasons why the Examiner's reasoning is faulted in further details.

Again, the Examiner still find Applicants' reasoning unpersuasive, in particular, urging Applicants to consider in particular, Figs. 13, 15, and col 15-16.

In response, Applicants still maintain that the Examiner's reasoning is faulted. Nevertheless, in the interest of expeditiously bringing prosecution to a conclusion, Applicants have amended independent claims 1, 12, 23, 26, and 29 as set forth in the attachment.

The amendments are fully supported by the original disclosure; see e.g. page 4 of the specification, wherein on line 11, it is stated that the multi-media player on the client system requests appropriate versions of the model data

based at least in part on the operating characteristics of the client system.

Accordingly, no new matters have been introduced by the amendments.

The amendments are made to avoid a lengthy and costly appeal of the Examiner's reasoning. The amendments are not made to overcome Karla. It is Applicants' position that un-amended claims 1, 12, 23, 26 and 29 include sufficient limitations to patently distinguish the invention as claimed over the teachings of Karla. Of course with the amendments, claims 1, 12, 23, 26 and 29 are even further patently distinguishable over Karla.

Using Claim 1 as an example, the relevant part now requires ***the client*** adaptively requesting streaming of model data from a remote content providing server, ***adjusting said requesting*** based at least in part on the determined operating characteristic value(s) of the at least one operating characteristic of the client computer system.
(emphasis added)

Thus, there is absolutely no ambiguity that the client is to ***adjust its request based at least in part on its own operating characteristics***. For a first type of determined operating characteristics, the client makes a first type of request, and for a second type of determined operating characteristics, a second different type of request is made, and so forth.

This notion is even more clear in the original as well as the amended language of independent claim 23, which now reads for the relevant part:

accepting requests from the remote requesting client system for said model data that adaptively includes version selection designations, **with the inclusion being adjusted** based at least in part on the operating characteristics of the remote requesting client computer system

The language clearly requires the request issued by the client system to include the specific model data the client system wants, and that specification is based at least in part on the operating characteristics of the client system.

The Examiner directs Applicants' attention to Fig. 13 and 15, and col. 15-16. Applicants have studied these Figures and passages exhaustively. But the plain fact remains that under Karla, when a user decides to involve adaptive client and server to assist in the user's browsing of information, the "adaptive" client merely determines the capabilities of the client computer, and provides these determined characteristics to the adaptive server as **a client profile**. See e.g. column 15, lines 45-50 and column 16, lines 20-24, wherein it is clearly stated that

"once a user has determined that he desires to view a video sequence using adaptive streams, an adaptive streams program resident within the client, begins at a step 60, and at a step 602 **makes a determination of the user profile ...**

Thereafter, **the profile is sent** in a step 606

The server, upon receipt of the client's profile (containing determined characteristics of the client computer), uses the information, as well as other information ..., to make a determination of which streams to transmit ... See e.g. column 16, lines 37-42, wherein it is clearly stated that

"Once ***the adaptive stream server receives a profile*** from the user, in step 550, ***it*** uses that information, as well as other information described hereinafter, to ***make a determination of*** which streams to transmit, in a step 552",

where the pronoun "***it***" under well settled English grammar refers to the ***adaptive server***, and not the adaptive client on the client computer.

Thus, with respect to the adaptive provision of multi-media data, as Applicants explained in the first response, in the interview, and in the after final response, Karla's teachings are confined to ***the server*** performing the ***adaptation*** based on the ***determined characteristics of the client computer***.

The request actions of the client computer under Kalra, including the adaptive client program, are "invariant" (therefore, non-adaptive) with respect to the determined operating characteristics. Whether the client computer is determined to comprise a 100MHz processor, a 500 MHz processor, a GigaHz processor, the adaptive client program of Karla does the same thing, it packages the information into a profile, and sends the profile to the server. ***It does not ask for a first type of data for a first type of operating characteristic, nor ask for a second type of data for a second type of operating characteristic. IN THE CONTEXT OF THE SUBJECT DISCUSION,***

ALL THE CLIENT COMPUTER EVER DOES UNDER KARLA IS TO SEND A PROFILE!

Accordingly, once again, Applicants submit that the “***adaptive requesting***” limitation of the client computer, exhaustively discussed in the last response, in the interview, and in this response, and now includes the language of “***adjusting said requesting***”, is not anticipated by Kalra.

Therefore, claim 1 is unquestionably patentable over Kalra.

Claims 12, 23, 26 and 29

Claims 12, 23, 26, and 29 contain similar limitations as claim 1.

Accordingly, for at least the same reason that claim 1 is patentable over Kalra, claims 12, 23, 26, and 29 are patentable over Kalra.

Claims 2-10, 13-21, 24, 25, 27, 28 and 30-34

Claims 2-10, 13-21, 24, 25, 27, 28 and 30-34 are dependent on claims 12, 23, 26, or 29, and incorporate their limitations. Accordingly, for at least the same reason claims 12, 23, 26, and 29 are patentable over Kalra, claims 2-10, 13-21, 24, 25, 27, 28, and 30-34 are patentable over Kalra.

§103(a) Rejections Under Karla

Claims 11 and 22

In the November 9, 2001 Office Action, the Examiner also maintained his rejections against claims 11 and 22 under 35 U.S.C. §103(a) as being

unpatentable over Kalra. As presented in the last response, and reiterated in the interview, Applicants respectfully submit that claims 11 and 22 are not obvious in view of Kalra.

Claim 11 is dependent upon claim 1, and claim 22 is dependent upon claim 12. As discussed above, Kalra does not teach the art included in claims 1 and 12, accordingly, the invention as claimed in claims 11 and 22 could not be obvious in view of Kalra. Therefore, the present invention as claimed in claims 11 and 22 is patentable over Kalra.

With respect to the Examiner's "Official Notice" of the concept of "dropping audio data frames" being "old and well known in the data communication art," Applicants again disagree. However, in view of the foregoing discussion, it is not an issue that needs to be addressed.

Claims 35-38

In the November 9, 2001 Office Action, claims 35-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra in view of Britton et al., U.S. Patent No. 6,279,030 (hereinafter "Britton").

Claims 35 and 36 are dependent upon claim 1, and claims 37 and 38 are dependent upon claim 12, and Britton does not solve the deficiencies of Kalra, thus, the invention as claimed in claims 35-38 could not be obvious over Kalra in view of Britton. Therefore, the present invention as claimed in claims 35-38 is patentable over Kalra in view of Britton.

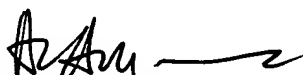
Conclusion

In conclusion, Applicants respectfully submit that claims 1-38 are now in a condition for allowance, and Applicants respectfully request allowance of such claims.

Please charge any shortages and credit any overages to our Deposit Account No. 501569.

Respectfully submitted,
COLUMBIA IP LAW GROUP, PC

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Marked Up Versions of Amended Claims

1 1. In a client computer system, a method of operation comprising:
2 determining operating characteristic value(s) for at least one operating
3 characteristic of the client computer system;
4 adaptively requesting streaming of model data from a remote content
5 providing server, adjusting said requesting based at least in part on the
6 determined operating characteristic value(s) of the at least one operating
7 characteristic of the client computer system.

1 12. A client computer system comprising:
2 a processor to execute programming instructions; and
3 a storage medium, coupled to the processor, having stored therein a first and
4 a second plurality of programming instructions to be executed by the processor, the
5 first plurality of programming instructions, when executed, determine operating
6 characteristic value(s) for at least one operating characteristic of the client computer
7 system, and the second plurality of programming instructions, when executed,
8 adaptively request streaming of model data from a remote content providing server,
9 adjusting said requesting based at least in part on the determined operating
10 characteristic value(s) of the at least one operating characteristic of the client
11 computer system.

1 23. In a computer server, a method of operation comprising:
2 storing multiple versions of model data tailored for different operating
3 environments differentiated in accordance with value(s) of at least one operating
4 characteristic of a remote requesting client computer system;
5 accepting requests from the remote requesting client system for said model
6 data that adaptively includes version selection designations, with the inclusion being
7 adjusted based at least in part on the operating characteristics of ~~from~~ the remote
8 requesting client computer system; and
9 streaming the requested versions of the model data to the remote requesting
10 client computer system, responsive to the accepted requests.

1 26. A computer server comprising:
2 a processor to execute programming instructions; and
3 a storage medium, coupled to the processor, having stored therein multiple
4 versions of model data tailored for different operating environments differentiated in
5 accordance with value(s) of at least one operating characteristic of a remote
6 requesting client computer system, and a plurality of programming instructions,
7 when executed, accept requests from the remote requesting client computer system
8 for said model data that adaptively includes version selection designations, with the
9 inclusion being adjusted based at least in part on said operating characteristic of
10 ~~from~~ the remote requesting client computer system, and stream the requested
11 versions of the model data to the remote requesting client computer system,
12 responsive to the accepted requests.

1 29. A method for streaming multi-media content comprising:

2 storing by a multi-media content providing server, multiple versions of model
3 data tailored for different operating environments differentiated in accordance with
4 value(s) of at least one operating characteristic of a remote requesting client
5 computer system;

6 determining by a multi-media content player of the remote requesting client
7 computer system, operating characteristic value(s) for at least one operating
8 characteristic of the remote requesting client computer system;

9 adaptively requesting by the multi-media content player, different versions of
10 model data from the multi-media content providing server, adjusting said requesting
11 based at least in part on the determined operating characteristic value(s) of the at
12 least one operating characteristic of the remote requesting client computer system;
13 and

14 streaming by the multi-media content providing server, the requested
15 versions of the model data, responsive to the requests of the multi-media content
16 player.